

**Lauren Hood, MCD**  
Chairperson  
**Donovan Smith**  
Vice Chair/Secretary

**Marcell R. Todd, Jr.**  
Director

**City of Detroit**  
**CITY PLANNING COMMISSION**  
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**Brenda Goss Andrews**  
**Kenneth R. Daniels**  
**Damion W. Ellis**  
**David Esparza, AIA, LEED**  
**Ritchie Harrison**  
**Gwen Lewis**  
**Frederick E. Russell, Jr.**

**Regular Meeting**  
**October 7, 2021**

**I. Opening**

- A. Call to Order – Chairperson Hood called the meeting to order at 5:09 pm.
- B. Roll Call - Director Marcell Todd called the roll, a quorum was present.
- C. Amendments to and approval of agenda

Commissioner Daniels motioned to accept the agenda; seconded by Commissioner Lewis. Motion approved.

**Minutes - July 8, 2021, July 22, 2021, and September 9, 2021**

**Vice – Chairperson Smith motioned to approve the meeting minutes of July 9, 2020 and July 22, 2021; seconded by Commissioner Daniels. Motion Approved.**

**The meeting minutes of the September 9, 2021, meeting will be brought back at a later date.**

**II. Public Hearings, Discussions and Presentations**

- A. **PUBLIC HEARING** – The request of IFF ECE Detroit, LLC to amend Article XVII, Section 50-17-30, District Map No. 28 of the 2019 Detroit City Code, Chapter 50, Zoning, to show an R5 (Medium Density Residential District) zoning classification where an R2 (Two-Family Residential District) zoning classification is currently shown for the parcel commonly known as 3917 McClellan Avenue generally bounded by Sylvester Street to the north, McClellan Avenue to the east, Mack Avenue to the south, and Belvidere Street to the west.

Jamie Murphy, CPC staff, provided a summary of report submitted October 1, 2021 regarding request of IFC ECE Detroit, LLC for zoning amendment to show an R5 (Medium Density Residential District) zoning classification where an R2 (Two Family Residential District) zoning classification is currently shown at 3917 McClellan, bounded by Sylvester, McClellan, Mack and Belvidere Street.

The developer proposes to construct a Child Care Facility to serve 80 to 110 children. The R5 zoning classification would also allow the flexibility to add small-scale commercial uses in the future. The existing building was originally a Detroit Public School proposed to be demolished.

The subject site is located within the Kettering area of Neighborhood Cluster 3 of the Detroit Master Plan of Policies. The Future Land Use map for this area shows “Low Density Residential” for the subject property. The Planning and Development Department (PDD) is reviewing this proposed rezoning and will provide an official opinion regarding its conformance with the Master Plan.

**Commissioner Esparza** addressed his concern relative to the mitigation measures due to COVID.

*The children will have access to outdoor activity; every classroom has a porch; there will be sliding doors to bring fresh air into the school; developers are exploring HVAC systems.*

**Commissioner Russell** was concerned about traffic during drop off and pick up times and how it would affect the neighborhood.

*The school is a child school center; ages will range from newborns to five; drop odd and pickup times are staggered unlike regular schools; children are brought into the facility and signed in and out.*

#### **Staff Recommendation**

Based on community engagement; positive feedback from the community; and conformance to the Master Plan of Policies, staff recommends approval of this zoning amendment.

#### **Public Comments -None**

**Vice-Chairperson Smith** motioned to waive same day requirements; seconded by **Commissioner Daniels**. Motion approved.

**Commissioner Daniels** motioned to accept staff recommendation of approval; seconded by **Vice-Chairperson Smith**. Motion approved.

- B. PUBLIC HEARING** – The request of the City Planning Commission and the Telegraph Musical Co LLC to amend Article XVII, Section 50-17-75, District Map No. 73 of the 2019 Detroit City Code, Chapter 50, Zoning, to show a B4 (General Business District) zoning classification where a R5 (Medium Density Residential

District) zoning classification is currently shown at 16920 and 16890 Telegraph Road, and 23861 and 23871 West McNichols Road generally located on the east side of Telegraph south of West McNichols.

Chris Gulock, CPC staff , provided a summary of report submitted October 1, 2021 regarding the request of Telegraph Musical Co. LLC (TMC) to amend the zoning classification to show a B4 (General Business District) zoning classification where a R5 (Medium Density Residential District) zoning classification is currently shown at 16920 and 16890 Telegraph Road, and 23861 and 23871 West McNichols Road.

TMC is the owner of 16890 Telegraph, a one-story vacant commercial building formally a night club called the Jazz Club, proposes to redevelop the site as a medical marijuana caregiver center and retail space.

In March of 2016 the Jazz Club LLC applied to the Building, Safety Engineering and Environmental Department (BSEED) for a medical marijuana dispensary including license, site plan application and building permit application. BSEED denied application due to proximity to a drug-free zone – the Rouge Valley Parkway. In October 2017 the Jazz Club appealed to the Board of Zoning Appeals (BZA) which affirmed BSEED’s decision. In March of 2018 the Jazz Club appealed to the Circuit Court and the Court affirmed BZA’s decision. In January 2020 the Court of Appeal’s reversed the Circuit Court’s decision, concluding that a greenway does not qualify as a drug-free zone and remanded the case back to the Circuit Court. In April of 2021 the Wayne County Circuit court ruled the City will proceed on the Jazz Club application for land use approval.

The eastside of Telegraph, south of West McNichols, is zoned R5, land at 16920 Telegraph Road, north of the Jazz Club and south of the gas station is zoned R5 and is currently a Motel. CPC staff proposes that this land be added to the subject request and be rezoned B4 creating a similar zoning pattern on the eastside of Telegraph south of McNichols. Land located at 23871 W. McNichols and 23861 McNichols is zoned R5, and staff proposes to include these two parcels into the rezoning to create a B4 commercial node at the intersection of Telegraph and W. McNichols.

The subject site is located within the Redford Area of Neighborhood Cluster 8 of the Detroit Master Plan of Policies. The Future Land Use map for this area shows Thoroughfare Commercial (CT) along the eastside of Telegraph south of McNichols. The Planning and Development Department’s comments regarding the consistency of this proposal with the Master Plan is forthcoming.

### **Commission Concerns**

*Commissioner Daniels – Expressed concern for the community and how they feel about the proposed medical marijuana caregiver facility and retail.*

*Commissioner Lewis – Requested that BSEED come before the Commission regarding the legal aspects related to this request.*

*Commissioner Esparza – Expressed safety concerns and questioned if the police department was aware of the proposed facility.*

Representatives for the developer, provided summaries relative to the legal and community engagements concerns. The developer is very active in the community and will provide 24-hour security for the facility. The owner spoke assuring the Commission that he plans on maintaining a good relationship with the community and the Detroit Police Department.

### **Public Comments**

Glaso Miles, resident in area supports the proposal and works with the developer.

**CPC staff will provide updated report and recommendation at next meeting.]**

- C. **PUBLIC HEARING** – The request of North Corktown Butternut LLC to amend Article XVII, Section 50-17-24, District Map No. 22 of the 2019 Detroit City Code, Chapter 50, Zoning, to show a M2 (Restricted Industrial District) zoning classification where a R2 (Two-Family Residential District) zoning classification is currently shown at 10409, 10411, and 10417 Castle Street generally located on the west side of Castle Street north of Lynch Road near City Airport.

Chris Gulock, CPC staff, provided a summary of report submitted October 4, 2021, regarding request of North Corktown Butternut LLC for zoning amendment to show a M2 (Restricted Industrial District) zoning classification where a R2 (Two-Family Residential District) zoning classification on property commonly known as 10409, 10411 and 10417 Castle Street generally bounded by Castle Street and Lynch Road.

The petitioner has an affiliate company, Premier Group Associates (PGA) which provides lawn care and snow removal for several entities and proposes to expand their existing yard at 8301 Lynch Road to accommodate their business.

The subject site is located within the Airport Area of Neighborhood Cluster 1 of the Detroit Master Plan of Polices. The Future Land Use map for this area show Light Industrial (IL) for the subject parcels. The Planning and Development Department’s submitted comments regarding the consistency of this proposal to the Master Plan is forthcoming.

### **Public Comments**

**Pat Bosch, Representative of the Northtown Community-** Is familiar with the

location and expressed how deteriorated the area is; not maintained; requested immediate clean-up and beautification; do not rezone land until developer cleans it up.

**Michael Counsman, Representative for developer** apologized for condition of the area; has received letter from resident regarding the condition; assured the Commission that the area is being cleaned and will be maintained in the future.

**Mark Covington** – Not against the proposal after seeing the plan; has seen some of the clean-up.

*Commissioner Esparza and Chairperson Hood – Wants assurances from developer that the clean up is on-going and wants pictures of area when item is brought back to the Commission.*

Andy Housey, Developer, assures the area will be cleaned; a fence will be installed with a green screen; will plant trees along Lynch Road and will have additional landscaping completed. There will be 15-20 employees on the site which will be in operation Monday thru Friday from 9 am to 5 pm.

**CPC staff will continue to dialogue with developer and get clarity on auxiliary plan for site; will bring item back before Commission with report and recommendation at next meeting.**

**Due to previous commitments, Chairperson Hood yielded the chair to Vice-Chairperson Smith and left the meeting.**

### **III. Unfinished Business**

- A. Consideration of the request of the Planning and Development Department, Motor City Blight Busters, and CHN Housing Partners, to amend Article XVII, Section 50-17-76, District Map No. 74 of the 2019 Detroit City Code, Chapter 50, Zoning, by showing an R3 (Low-Density Residential District) zoning classification where an R1 (Single-family Residential District) zoning classification currently exists on forty-eight (48) parcels generally bounded by Santa Clara Street to the north, Bentler Street to the east, Orchard Street to the south, and the north-south alley first east of Lahser Road to the west.

The City Planning Commission held a public hearing on July 22, 2021, regarding the rezoning request of the Planning and Development Department, Motor City Blight Busters, and CHN Housing Partners for proposed multi-family dwelling and the establishment of a non-profit neighborhood center focusing on fitness and nutrition for the area's youth.

During the public hearing the Commission expressed concerns regarding 100% affordability; issues regarding the proposed design; and whether surrounding home values are impacted by the proposed development. Tyler Biglin from the Housing and Revitalization Department provided a PowerPoint Presentation that provided a brief history of the process, highlighting the community engagement. Alvin Horhn, Deputy CFO, Assessor's Office provided an analysis of impact of affordable housing and property values; showing positive impact on home values; data showing affordable housing stabilizes neighborhoods; and indicating that there is no data suggesting development would have an adverse impact on surrounding neighborhoods.

*Commissioner Lewis requested further discussion regarding the future of housing in Detroit as the administration sees it.*

*Commissioner Esparza wants information shared by the Assessor's Office placed on the city website to share with the residents; CPC staff to assist Assessor's Office with providing clarified information regarding development impacts on neighborhoods; property value assessments; how property is assessed and impacted by new developments.*

#### **Staff Recommendation**

The City Planning Commission (CPC) staff has completed its review of the request from the City of Detroit, Planning and Development Department (PDD), Motor City Blight Busters, and CHN Housing Partners to amend Article XVII, Section 50-17-76, District Map No. 74 and recommends approval of same, with the revised eastern boundary being the eastern most property lines of 21556 Orchard and 21525 Santa Clara Street.

**Vice-Chairperson Smith motioned to approve the rezoning request as presented by CPC staff; seconded by Commissioner Daniels. Motion approved.**

#### **Staff Recommendation**

The City Planning Commission has completed its review and recommends approval with the revised eastern boundary being the eastern most property lines of 21556 Orchard Street and 21525 Santa Clara Street.

**Commissioner Daniels motioned to accept CPC staff recommends for approval; seconded by Commissioner Russell. Motion approved.**

- B.** Consideration of the request of Woodbridge Neighborhood Development Corporation to amend Article XVII, Section 50-17-46, District Map No. 44 of the 2019 Detroit City Code, Chapter 50, Zoning, to show an SD1 (Special Development District,

Small-Scale, Mixed-Use) zoning classification where R2 (Two-Family Residential District), R3 (Low Density Residential District), and B4 (General Business District) zoning classifications are currently shown on 72 parcels generally bounded by Forest Avenue to the north, Rosa Parks Blvd. to the east, Calumet Avenue to the south, and Grand River Avenue to the west.

On September 23, 2021, the City Planning Commission held a public hearing on the rezoning request of the Woodbridge Neighborhood Development Corporation for 72 parcels generally bounded by Forest, Rosa Parks Blvd., Calumet and Grand River to allow for the development of various building residential, standalone retail, parking and dedicated green space.

**The City Planning Commission staff recommends approval of the request based on their analysis and consistent with the approval criteria of Section 50-3-70 of the Zoning Ordinance.**

**Commissioner Esparza motioned to accept staff's recommendation of the above referenced rezoning request; seconded by Commissioner Andrews. Motion approved.**

- C. Consideration of the request of the Museum of Modern Art Detroit (MOCAD) to amend Article XVII, Section 50-17-7, District Map No. 6 of the 2019 Detroit City Code, Chapter 50, Zoning, to show a B4 (General Business District) zoning classification where an R6 (High Density Residential District) zoning classification is currently shown on two parcels, commonly identified as 52 and 62 Garfield Avenue, generally bounded by Garfield Avenue to the north, John R to the east, Canfield Avenue to the south, and Woodward Avenue to the west.

On September 23, 2021, the City Planning Commission held a public hearing regarding the rezoning request. Concerns from the Commission included information relative to the expansion and design details. This proposal seeks to rezone in order to create a space to facilitate flexible outdoor programming that will coincide with the existing environment.

### **Staff Recommendation**

**The City Planning Commission staff recommends approval of the rezoning request based on analysis that the rezoning meets all 8 criteria of Section 50-3-70 of the Zoning Ordinance and is in conformance with the City of Detroit Master Plan of Policies.**

**Commissioner Andrews motioned to accept staff's recommendation to approve the above referenced rezoning; seconded by Commissioner Russell. Motion approved.**

- D.** Consideration of the request of Taco Bell America, LLC to amend Article XVII, Section 50-17-41, District Map No. 39 of the 2019 Detroit City Code, Chapter 50, Zoning, to show a B4 (General Business District) zoning classification where a B2 (Local Business and Residential District) zoning classification is currently shown at the property commonly referred to as 18550 E. Warren Avenue.

On September 23, 2021, the City Planning Commission held a public hearing regarding the rezoning request of Taco Bell America, LLC for property commonly referred to as 18550 E. Warren Avenue to accommodate a proposed Taco Bell fast-food restaurant with drive thru. During the public hearing many questions and concerns were expressed by the Commission, specifically clarification regarding the traffic study analysis, hours of operation as it relates to traffic circulation, conflicts with proposed Master Plan study of the Eastside Mack Avenue Business Plan, easement on the site and pedestrian safety.

The Department of Public Works (DPW) indicated that easement on site is still in use. There are 12 bars in the area. The developer provided additional data relative to the number of transactions of Taco Bells located in the Detroit Metropolitan Area. Traffic Engineering/DPW reviewed the data provided and indicated that it showed no difference between traffic counts for the bank (previously operated on the site, now closed) and the proposed projections for traffic counts for Taco Bell.

### **Commission Concerns**

**Commissioner Esparza** uncomfortable with the proposed development. What responses did developer receive from other business owners on block? Staking of cars in drive thru will have an impact on streets, safety, parking, etc.

Taco Bell representative indicated that they were all notified; one restaurant offered support; no other responses received. There will be 3 lines of service which would accommodate customers. The parking spaces will not be modified; trying not to impact residents on Opal.

**Commissioner Lewis** wanted more clarity regarding data provided; expressed

concern regarding number of cars; asked about anticipated drive thru numbers; wants signage placed on Opal Street.

Taco Bell representative anticipated this site will be average; function analysis indicated approximately 524 daily transactions on the weekend.

**Commissioner Andrews** expressed concern for children and the disabled impacted by traffic; requested speed humps to slow down traffic.

**Commissioner Harrison** interested in types of concerns from opposition and whether there have been other types of complaints received regarding other Taco Bell restaurants; in area, are other establishments open as late as this proposed Taco Bell.

Taco Bell representative was not aware of complaints.

**Commissioner Russell** has reservations with ingress and egress, building site too big for traffic situation in this area.

**Vice-Chairperson Smith** questioned whether the proposed zoning suitable for the Eastside Avenue Plan.

K. Jeffrey, CPC staff – B4 District is not most conducive for the site planning principles adhered in urban environments. B2 would be better because of drive thru and traffic configuration.

**Commissioner Lewis** wants more information; not satisfied with information provided.

### **Staff Recommendation**

**CPC staff recommended approval after continued discussion with the Commission, developer, and the Traffic Engineering Division/DPW with the following conditions. 1) Install a speed hump/cushion on Opal St. between E. Warren and Mack Avenue, subject to engagement with residents. 2) Install appropriate signage to discourage Taco Bell traffic on Opal Street.**

**Commissioner Andrews motioned to accept staff recommendation for approval with conditions; seconded by Commissioner Daniels.**

**Vice-Chairperson Smith asked for roll call.**

**Roll Call: Andrews – Yes; Esparza – No; Daniels – Yes; Harrison – Yes; Lewis – No; Russell – Yes; Smith – No. 4 yes – 3 no Motion approved.**

**V. New Business - None**

**VI. Committee Reports - None**

**VII. Staff Report** – Director Marcell Todd provided a brief update relative to the staff report which included pending training relative to American Rescue Dollars, awaiting more information from the administration. Posted for the 3 vacant planner positions; has received 1 application. The City of Detroit Human Resources Department posted those positions in the Michigan Chronicle, the Detroit Free Press, all major internet employment websites and the Michigan Planners Association website.

**VIII. Member Report - None**

**IX. Communications - None**

**X. Public Comment**

**Jim Grunwick, Cornerstone Village Community**, supports proposal; appreciates the Commission's due diligence.

**Adjournment – The meeting adjourned at 10:18 p.m.**